



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
WATER

The Honorable John A. Hughes
Secretary
Delaware Department of Natural Resources & Environmental Control
89 Kings Highway
Dover, DE 19901

Dear Secretary Hughes:

The purpose of this letter is to commend you for your efforts in protecting human health at the beaches in your State. Section 303(i) of the BEACH Act requires that States adopt the U.S. Environmental Protection Agency's (EPA's) 1986 criteria for pathogen and pathogen indicators for all coastal recreation waters. EPA's current understanding is that your State has adopted criteria for these pathogen indicators as recommended by EPA's 1986 criteria. EPA appreciates your considerable efforts to accomplish this goal.

A general outline of the relevant requirements of the BEACH Act is enclosed. EPA is continuing to review all coastal state water quality standards to determine full compliance with the BEACH Act. We will be in further contact regarding our review. Thank you again for your efforts and I look forward to continuing to work with you in shaping a strong water quality standards program for the coming years.

Sincerely,

A handwritten signature in black ink, appearing to read "B. H. Grumbles", is positioned above the typed name.

Benjamin H. Grumbles
Acting Assistant Administrator

Enclosure

General Background on the BEACH Act

The Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000 amended the Clean Water Act by adding Section 303(i). Section 303(i)(1)(A) requires that:

Not later than [April 10, 2004], each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria under §304(a).

Section 303(i)(2)(A) requires that:

If a State fails to adopt water quality criteria and standards in accordance with paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters published by the Administrator, the Administrator shall promptly propose regulations for the State setting forth revised or new water quality standards for pathogens and pathogen indicators described in paragraph (1)(A) for coastal recreation waters of the State.

Furthermore, the BEACH Act added Section 502(21) to the CWA, which defines “coastal recreation waters” to include the Great Lakes and marine coastal waters including coastal estuaries that are designated by States under CWA Section 303(c) for swimming, bathing, surfing, or similar water contact activities.

In 1986, EPA published *Ambient Water Quality Criteria for Bacteria – 1986*. This document contains EPA’s recommended water quality criteria for bacteria to protect bathers in recreational waters. The 1986 bacteria criteria document identifies the maximum concentrations of *E. coli* and enterococci allowable in fresh and marine recreational waters. These indicator bacteria generally do not cause illness directly, but have demonstrated characteristics that make them good indicators of harmful pathogens in waterbodies. Prior to its 1986 recommendations, EPA recommended the use of fecal coliform bacteria as an indicator organism to protect bathers in recreational waters. However, epidemiological studies conducted by EPA demonstrated a poor correlation between the concentration of fecal coliform bacteria and swimmer-associated illnesses.